

December 29, 2003

Bayer Corporation  
100 Bayer Road  
Pittsburgh, PA 15205-9741  
Phone: 412 777-2000**By USPS Express Mail**Michael Leavitt, Administrator  
U.S. Environmental Protection Agency  
P.O. Box 1473  
Merrifield, VA 22116  
Attention: Chemical Right-to-Know Program**Re: Bayer Corporation, HPV Reg. No.  
Request to Designate Chemicals as "No Longer HPV"**RECEIVED  
OPT CBIC  
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Dear Mr. Leavitt:

To date, Bayer Corporation ("Bayer") has committed to sponsor or co-sponsor a number of chemicals under the High Production Volume ("HPV") Challenge Program, including but not limited to the following six (6) chemicals:

CAS No.	Chemical Name	Start Year
150-50-5	Phosphorotrichious acid, tributyl ester	2003
693-07-2	Ethane, 1-chloro-2-(ethylthio)-	2003
3338-24-7	Phosphorodithioic acid, O,O-diethyl ester, sodium salt	2003
20469-71-0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	2003
22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-	ICCA
33509-43-2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	2003

To the best of Bayer's knowledge, Bayer is the only company responsible for reporting the foregoing six chemicals for the Toxic Substances Control Act ("TSCA") Inventory Update Rule ("IUR") in 1990 and in subsequent years.

Recently, Bayer determined that the subject chemicals are all "non-isolated intermediates" within the meaning of the IUR (40 C.F.R. §§ 710.23, -.43), as interpreted by EPA in its guidance. The manufacture or import of non-isolated intermediates is not reportable for the IUR. 40 C.F.R. §§ 710.30(c), -.50(c). Accordingly, Bayer erroneously reported the subject chemicals for the IUR in 1990 and in subsequent years. Since the HPV Challenge Program Chemical List consists

of all the HPV chemicals reported during the 1990 IUR reporting year, Bayer also mistakenly sponsored the above-listed chemicals under the HPV Challenge Program. The information relied upon by Bayer in making its determination of "non-isolated intermediates" is set forth in a memorandum that contains TSCA Confidential Business Information ("TSCA CBI") throughout and, therefore, is being sent to you separately, by way of the Agency's Document Control Officer (7407M). This memorandum containing TSCA CBI should not be placed in the public docket.

For the foregoing reasons, explained more fully in Bayer's confidential memorandum, Bayer requests EPA to designate the subject chemicals as "No Longer HPV" (Indicator Value "5") on the HPV Challenge Program Chemical List, in accordance with the Agency's February 8, 1999 procedures for removing chemicals that are "no longer HPV" from the HPV List.

We look forward to your reply and invite any questions that you may have regarding this request. If you have questions, you can reach me at 412-777-3490 or Cynthia Graham, Ph.D. at 412-777-3933 or by email at [cynthia.graham@bayerpolymers.com](mailto:cynthia.graham@bayerpolymers.com).

Sincerely,

Janet M. Mostowy, Ph.D.  
Vice President, Product Safety and Regulatory Affairs

cc: EPA Document Control Officer (7407M) (w/TSCA CBI enclosure, *Memorandum Supporting the Designation of Six Pesticide Intermediates as "No Longer HPV"*)  
Mr. Patrick Ragan, Bayer CropScience  
Mr. Gregory Moerer, Bayer CropScience  
Charles A. O'Connor, III, Esq., McKenna Long & Aldridge LLP